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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

AMERANTH, INC.,  
  
Plaintiff,  
  
v.  
  
MICROS SYSTEMS, INC.,  
  
Defendant.

Civil Action No.: 12-cv-1655 DMS-WVG  
  
Consolidated with  
11-cv-01810-DMS-WVG  
  
**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT AGAINST  
MICROS SYSTEMS, INC.**  
  
**DEMAND FOR JURY TRIAL**

1                   **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

2                   Plaintiff Ameranth, Inc. (“Ameranth”), for its First Amended Complaint  
3 against defendant Micros Systems, Inc. (“Micros”), avers as follows:

4   **PARTIES**

5                   1. Plaintiff Ameranth is a Delaware corporation having a principal place of  
6 business at 5820 Oberlin Drive, Suite 202, San Diego, California 92121.  
7 Ameranth develops, manufactures and sells, *inter alia*, hospitality industry,  
8 entertainment, restaurant and food service information technology solutions  
9 under the trademarks 21<sup>st</sup> Century Communications™, and 21st Century  
10 Restaurant™, among others, comprising the synchronization and integration of  
11 hospitality information and hospitality software applications between fixed,  
12 wireless and/or internet applications, including but not limited to computer  
13 servers, web servers, databases, affinity/social networking systems, desktop  
14 computers, laptops, “smart” phones and other wireless handheld computing  
15 devices.

16                   2. Defendant Micros is, on information and belief, a Maryland corporation  
17 having a principal place of business and headquarters in Columbia, Maryland.  
18 On information and belief, Micros makes, uses, sells and/or offers for sale,  
19 restaurant, foodservice, point-of-sale and property management and other  
20 hospitality information technology products, software, components and/or  
21 systems within this Judicial District, including, *inter alia*, Micros Symphony,  
22 OPERA, OPERA Enterprise, OPERA Property Management System, Micros  
23 eCommerce Solutions, mycentral, mymenu, Hotel Commerce Platform,  
24 myreservations, mystaymanager, web-Ordering, HSI Profit Series, MyHSI,  
25 Micros Table Management System, Micros Restaurant Enterprise Solution and  
26 the other accused instrumentalities, products and systems identified in  
27 Ameranth’s Disclosure of Asserted Claims and Infringement Contentions  
28

1 previously served on Micros in this action, a copy of which is filed under seal  
2 herewith as **Exhibit D** (collectively, the “Micros Systems”).

3 **JURISDICTION AND VENUE**

4 3. This is an action for patent infringement arising under the Patent Laws of  
5 the United States, 35 U.S.C. §§ 271, 281-285.

6 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331  
7 and 1338(a).

8 5. On information and belief, Defendant engages in (a) the offer for sale or  
9 license and sale or license of hospitality, reservations, restaurant, food service,  
10 ordering, products and/or components in the United States, including this Judicial  
11 District, including services, products, software, and components, comprising  
12 wireless and internet POS and/or hospitality aspects; (b) the installation and  
13 maintenance of said services, products, software, components and/or systems in  
14 hospitality industry, hotel and lodging, reservations, restaurant, food service,  
15 and/or entertainment information technology systems in the United States,  
16 including this Judicial District; and/or (c) the use of hospitality industry, hotel  
17 and lodging, reservation, restaurant, food service, and/or entertainment  
18 information technology systems comprising said services, products, software,  
19 components and/or systems in the United States, including this Judicial District.

20 6. This Court has personal jurisdiction over Defendant because Defendant  
21 commits acts of patent infringement in this Judicial District including, *inter alia*,  
22 making, using, offering for sale or license, and/or selling or licensing infringing  
23 services, products, software, components and/or systems in this Judicial District.  
24 Additionally, Micros has already appeared in this action and submitted to the  
25 jurisdiction of the Court. Micros has continued to engage in and perform such  
26 acts of infringement since the filing of the original complaint in this matter  
27 accusing Micros of infringement of the Ameranth patents at issue herein.

1 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b)  
2 and (c) and 1400(b).

3 **BACKGROUND**

4 8. Ameranth was established in 1996 to develop and provide its 21<sup>st</sup>  
5 Century Communications™ innovative information technology solutions for the  
6 hospitality industry (inclusive of, e.g., restaurants, hotels, casinos, nightclubs,  
7 cruise ships and other entertainment and sports venues). Ameranth has been  
8 widely recognized as a technology leader in the provision of wireless and  
9 internet-based systems and services to, *inter alia*, restaurants, hotels, casinos,  
10 cruise ships and entertainment and sports venues. Ameranth's award winning  
11 inventions enable, in relevant part, generation and synchronization of menus,  
12 including but not limited to restaurant menus, event tickets, reservations, and  
13 other products across fixed, wireless and/or internet platforms as well as  
14 synchronization of hospitality information and hospitality software applications  
15 across fixed, wireless and internet platforms, including but not limited to,  
16 computer servers, web servers, databases, affinity/social networking systems,  
17 desktop computers, laptops, "smart" phones and other wireless handheld  
18 computing devices.

19 9. Ameranth began development of the inventions leading to the patents in  
20 this patent family, including the patents-in-suit, in the late Summer of 1998, at a  
21 time when the then-available wireless and internet hospitality offerings were  
22 extremely limited in functionality, were not synchronized and did not provide an  
23 integrated system-wide solution to the pervasive ordering, reservations, affinity  
24 program and information management needs of the hospitality industry.  
25 Ameranth uniquely recognized the actual problems that needed to be resolved in  
26 order to meet those needs, and thereafter conceived and developed its  
27 breakthrough inventions and products to provide systemic and comprehensive  
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